

A-E CONTRACTING BULLETIN 96-08, 1 OCT 96

SUBJECT: CONSTRUCTION PHASE SERVICES

1. I hope that you are not still using the terms Title I and Title II. The attached memorandum directed that these terms no longer be used. They have no statutory or regulatory basis which has caused confusion among A-E firms and customers. Instead of Title I, describe the specific type of service such as planning, design, engineering study, or surveying and mapping. Instead of Title II, use "construction phase services." What are construction phase services?

2. Construction phase services are broadly defined as services provided by A-E firms, in-house personnel, construction management firms or other sources, during the construction of a project. To be an A-E service, professional architectural or engineering judgment and/or analysis is required such as reviewing shop drawings that are a furtherance of design, reviewing Value Engineering Change Proposals, preparing design changes, evaluating alternate construction materials or methods, or assessing the impact of changed site conditions. Tasks which are not A-E services include reviewing shop drawings that are not a furtherance of design, verifying compliance with the contract, preparing construction schedules or cost estimates for modifications, quantity verification or materials testing. See Appendix A of ER 715-1-16 for a detailed discussion of what is A-E services.

3. A separate contract for construction phase services should be procured as A-E services under FAR 36.6 if professional architectural or engineering judgment and/or analysis is required to a significant or dominant extent. Otherwise, the contract should be procured as a service contract under FAR 15.4, 15.6 and 37. Of course, the design A-E's contract can be modified to provide non-A-E services since the overall nature of the contract will still be A-E services.

1 Attachment

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DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

21 MAY 1996

CEMP-ES

MEMORANDUM FOR DIRECTORS AND CHIEFS OF ENGINEERING, ALL COMMANDS

SUBJECT: New Terms for Title I and Title II

1. The terms Title I and Title II have long been used in USACE to refer to the types of services provided by architect-engineer (A-E) firms. However, these terms have no statutory or regulatory basis, which has led to many questions from the A-E community and customers. Hence, these terms will no longer be used.
2. Instead of Title I, continue to describe the specific type of A-E service required, such as planning, design, engineering, or surveying and mapping.
3. Instead of Title II, use "construction phase services," which is consistent with language in the Brooks A-E Act. Construction phase services are broadly defined as services provided by A-E firms, in-house personnel, construction management firms or other sources, during the construction of a project. Funding of such services depends upon whether they are provided for the purpose of completing the design effort or assuring contractor compliance with requirements.
4. Distribute this memorandum to all concerned functional elements in your command.
5. This memorandum has been coordinated with the Construction Division, Directorate of Military Programs; Office of the Principal Assistant Responsible for Contracting; and Office of the Chief Counsel.
6. Point of contact is Don Evick, CEMP-ES, 202-761-1053.

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